

**EXHIBIT**

**“B”**

**VERMEER & BOBCAT TRACTS  
PLANNED UNIT DEVELOPMENT NO. 120**

**THE STATE OF TEXAS                   §**

**COUNTY OF WILLIAMSON           §**

**THIS DEVELOPMENT PLAN** (this “**Plan**”) is adopted and approved by the CITY OF ROUND ROCK, TEXAS (hereinafter referred to as the “**City**”). For purposes of this Plan, the term **Owner** shall mean EMPLOYEE-OWNED COMPANIES; as its respective interests may appear in the respective portions of the hereinafter described property; and its respective successors and designated assigns. Upon sale, transfer or conveyance of portions of the hereinafter described property by a respective Owner to a designated third party owner/developer, the duties and obligations of the respective Owner, as it relates to the respective property being sold, shall be assigned to and assumed by the new owner/developer, and upon such sale and assignments of the duties and obligations hereunder, the respective Owner shall have no further liability relating to the respective property so sold and conveyed.

**WHEREAS**, the Owner is the owner of certain real property consisting of 7.71 acres, as more particularly described in **Exhibit “A” (Legal Description)**, (herein after referred to as the “**Property**”) attached hereto and made a part hereof; and

**WHEREAS**, the City and the Owner entered into a Development Agreement concerning the property on May 10, 2018; and

**WHEREAS**, the Owner has submitted a request to the City to zone the Property as a Planned Unit Development (the “**PUD**”); and

**WHEREAS**, pursuant to Part III, Section 10-22 of the Code of Ordinances of the City of Round Rock, Texas, the Owner has submitted Development Standards setting forth the development conditions and requirements within the PUD, which Development Standards are contained in Section II of this Plan; and

**WHEREAS**, the City has held two public hearings required by law to solicit input from all interested citizens and affected parties; and

**WHEREAS**, on May 20, 2020 the City’s Planning and Zoning Commission recommended approval of the Owner’s application for PUD zoning; and

**WHEREAS**, the City Council has reviewed the proposed Plan and determined that it promotes the health, safety, and general welfare of the citizens of Round Rock and that it complies with the intent of the Planned Unit Development Ordinance of the City;

**NOW THEREFORE:**

## **I.**

### **GENERAL PROVISIONS**

#### **1. CONFORMITY WITH DEVELOPMENT STANDARDS**

That all uses and development within the Property shall conform to the Development Standards included in Section II herein.

#### **2. CHANGES AND MODIFICATIONS**

No changes or modifications will be made to this Plan unless all provisions pertaining to changes or modifications as stated in Section II.

#### **3. ZONING VIOLATION**

Owner understands that any person, firm, corporation or other entity violating any conditions or terms of the Plan shall be subject to any and all penalties for the violation of any zoning ordinance provisions as stated in Part II, Section 1-9, Code of Ordinances, City of Round Rock, Texas, as amended.

#### **4. MISCELLANEOUS PROVISIONS**

##### **4.1. Severability**

In case one or more provisions contained of this Plan are deemed invalid, illegal or unenforceable in any respect such invalidity, illegality or unenforceability shall not affect any other provisions of this Plan and in such event, this Plan shall be construed as if such invalid, illegal or unenforceable provision had never been contained in this Plan.

##### **4.2. Venue**

All obligations of the Plan are performable in Williamson County, Texas, and venue for any action shall be in Williamson County.

##### **4.3. Effective Date**

This Plan shall be effective from and after the date of approval by the City Council.

## **II. DEVELOPMENT STANDARDS**

### **1. DEFINITIONS**

Words and terms used herein shall have their usual force and meaning, or as defined in the City of Round Rock Code of Ordinances, as amended, hereinafter referred to as “the Code.”

### **2. PROPERTY**

This Plan covers approximately 7.71 acres of land, located within the City of Round Rock, Texas, and more particularly described in **Exhibit “A”** as the 3.89 acre ‘**Vermeer Tract**’ and the 3.82 acre ‘**Bobcat Tract**’.

### **3. PURPOSE**

The purpose of this Plan is to ensure a PUD that: 1) is equal to, superior than and/or more consistent than that which would occur under the standard ordinance requirements, 2) is in harmony with the General Plan, as amended, 3) does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, 4) is adequately provisioned by essential public facilities and services, and 5) will be developed and maintained so as not to dominate, by scale or massing of structures, the immediate neighboring properties or interfere with their development or use.

### **4. APPLICABILITY OF CITY ORDINANCES**

#### **4.1. Zoning Ordinance**

All aspects not specifically covered by this Plan shall be regulated by the **I (Industrial)** zoning district, as amended. If there is a conflict between this Plan and the Code, this Plan shall supersede the specific conflicting provisions of the Code.

#### **4.2. Other Ordinances**

All other Ordinances within the Code, as applicable and as amended, shall apply to the Property, except as clearly modified by this Plan. In the event of a conflict, the terms of this Plan shall control.

### **5. PROJECT OVERVIEW**

#### **5.1. Permitted Uses**

- (1) Heavy Equipment and Large Vehicle Sales and Leasing;
- (2) Large Vehicle and Equipment Repair.

## **6. DEVELOPMENT STANDARDS**

### **6.1. Outdoor Display**

Display of heavy equipment is allowed outside in front of the building(s), between the face of the building and the street. No fencing shall be required for display located more than 10 feet from the wall of the principal building.

### **6.2. Site Layout and Buildings**

- (1) The buildings, structures and site improvements, as represented on **Exhibit “B”**, for the **Vermeer Tract**, conform to the standards of the **I (Industrial)** zoning district and shall continue to be regulated by those standards.
- (2) The buildings, structures and site improvements, as represented on **Exhibit “B”**, for the **Bobcat Tract**, conform to the standards of the **I (Industrial)** zoning district and shall continue to be regulated by those standards, in addition to the following:
  - (a) The front facade of the building shall be constructed with one hundred percent (100%) masonry, as defined in Section 46-5 of the Code;
  - (b) The service bays near the rear of the building shall be screened from public view by:
    - i. the configuration of the building;
    - ii. a retaining wall(s); and/or
    - iii. wing wall(s) on either side of the front façade.
  - (c) Landscaping shall be installed in the front street yard, along the State Highway 45 frontage, pursuant to the Code;
  - (d) A retaining wall with landscaping shall also be constructed along the frontage along Roundville Lane.

## **7. CHANGES TO DEVELOPMENT PLAN**

### **7.1. Minor Changes**

Minor changes to this Plan which do not substantially and adversely change this Plan may be approved administratively, if approved in writing by the Director of Planning and Development Services and the City Attorney.

### **7.2. Major Changes**

All changes not permitted above shall be resubmitted following the same procedure required by the original PUD application.

## **LIST OF EXHIBITS**

Exhibit “A”	Property Description
Exhibit “B”	Site Layout

**EXHIBIT A**

**Vermeer Tract**

Field Notes for 3.892 acres, more or less, out of the Memucan Hunt Survey, Abstract No. 314, Williamson County, Texas, being that 5.011 acre tract recorded in Document No. 9824283, Williamson County Official Public Records (WCOPR), SA VE AND EXCEPT that 1.106 acre tract conveyed to the State of Texas by Deed Recorded in Document No. 2003065330, WCOPR, said 3.892 acres being described by metes and bounds as follows:

Beginning at a 1/2" steel pin found at the southeast corner of said 5.011 acres and the southwest corner of a 5.00 acre tract recorded in Book 2335, Page 260, WCOPR, in the north ROW line of Round ville Lane, for the southeast corner hereof;

THENCE S 66 degrees 18 minutes 25 seconds W 301.80 feet with the south line of said 5.011 acres and the north ROW line of Roundville Lane to a computed point for the southwest corner of said 5.011 acres and the southeast corner of Lot 1, TXU Substation Subdivision, as recorded in Cabinet T, Slide 98 of the Williamson County Plat Records, for the southwest corner hereof;

THENCE N 18 degrees 11 minutes 56 seconds W 576.59 feet with the east line of said Lot 1, passing at 0.85 feet a 1/2" steel pin found, to a mag nail set in a steel lid on a 4'x6' vault on the south ROW of State Highway 45, as described in Document No. 2003065330, WCOPR, for the southwest corner hereof;

THENCE, with the south ROW of State Highway 45 the following two courses:

- 1) N 69 degrees 22 minutes 12 seconds E 85.40 feet to a 1/2" steel pin set with orange cap for angle,
- 2) N 71 degrees 46 minutes 01 seconds E 214.05 feet to a 1/2" steel pin set with orange cap for the northeast corner hereof;

THENCE S 18 degrees 18 minutes 25 seconds E 551.45 feet with the west line of said 5.00 acres and east line of said 5.011 acres to the POINT OF BEGINNING, containing 3.892 acres of land, more or less.

Bearing basis is the west line of said 5.011 acre tract.

## EXHIBIT A

### Bobcat Tract

FIELD NOTES FOR 3.82 ACRES OF LAND OUT OF THE MEMUCAN HUNT SURVEY, ABSTRACT 314, IN WILLIAMSON COUNTY, TEXAS, BEING A 5.00 ACRE TRACT CONVEYED TO CWC PARTNERSHIP BY DEED RECORDED IN BOOK 2335, PAGE 260, WILLIAMSON COUNTY OFFICIAL PUBLIC RECORDS, SAVE AND EXCEPT A 1.181 ACRE TRACT (PARCEL 203) CONVEYED TO STATE OF TEXAS BY DEED RECORDED IN DOCUMENT NO. 2003051695, SAID 3.82 ACRES BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" steel pin found at the southwest corner of said 5.00 acres, also the southeast corner of a 5.011 acre tract conveyed to Vermeer Equipment of Texas Inc. by deed recorded in Document No. 2010066248, Williamson County Official Public Records (WCOPR), being also the in the north right-of-way (ROW) line of Roundville Lane, for the southwest corner hereof;

THENCE N18°15'28"W 551.36 feet with the mutual line of said 5.00 acres and 5.011 acres, generally following a fence, to a 1/2" steel pin found with a broken cap at the southwest corner of said 1.181 acres, for the northwest corner hereof;

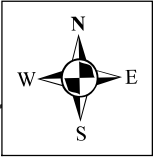
THENCE with the south line of said 1.181 acres these 2 courses:

- 1) N71°46'01"E 242.91 feet with the south line of said 1.181 acres to a TXDOT brass disc found in concrete for angle;
- 2) N70°43'50"E 78.01 feet to a 1/2" steel pin with cap found at the southeast corner of said 1.181 acres, also the northwest corner of a 1.911 acre tract conveyed to Daugherty Family Registered Limited Liability Partnership #1, for the northeast corner hereof;

THENCE S18°02'27"E 424.61 feet with the east line of said 5.00 acres, generally following a fence, to a 1/2" steel pin found at the southwest corner of a 1.00 acre tract conveyed to Texas and Maria Flaniken by deed recorded in Book 1590, Page 309, WCOPR, said pin also being in the north ROW line of Roundville Lane, for the southeast corner hereof;

THENCE with the north ROW line of Roundville Lane and south line of said 5.00 acres, generally following a fence, these 2 courses:

- 1) S27°20'30"W 158.01 feet to a 1/2" steel pin found for angle,
- 2) S66°54'12"W 207.14 feet to the POINT OF BEGINNING, containing 3.82 acres of land, more or less.



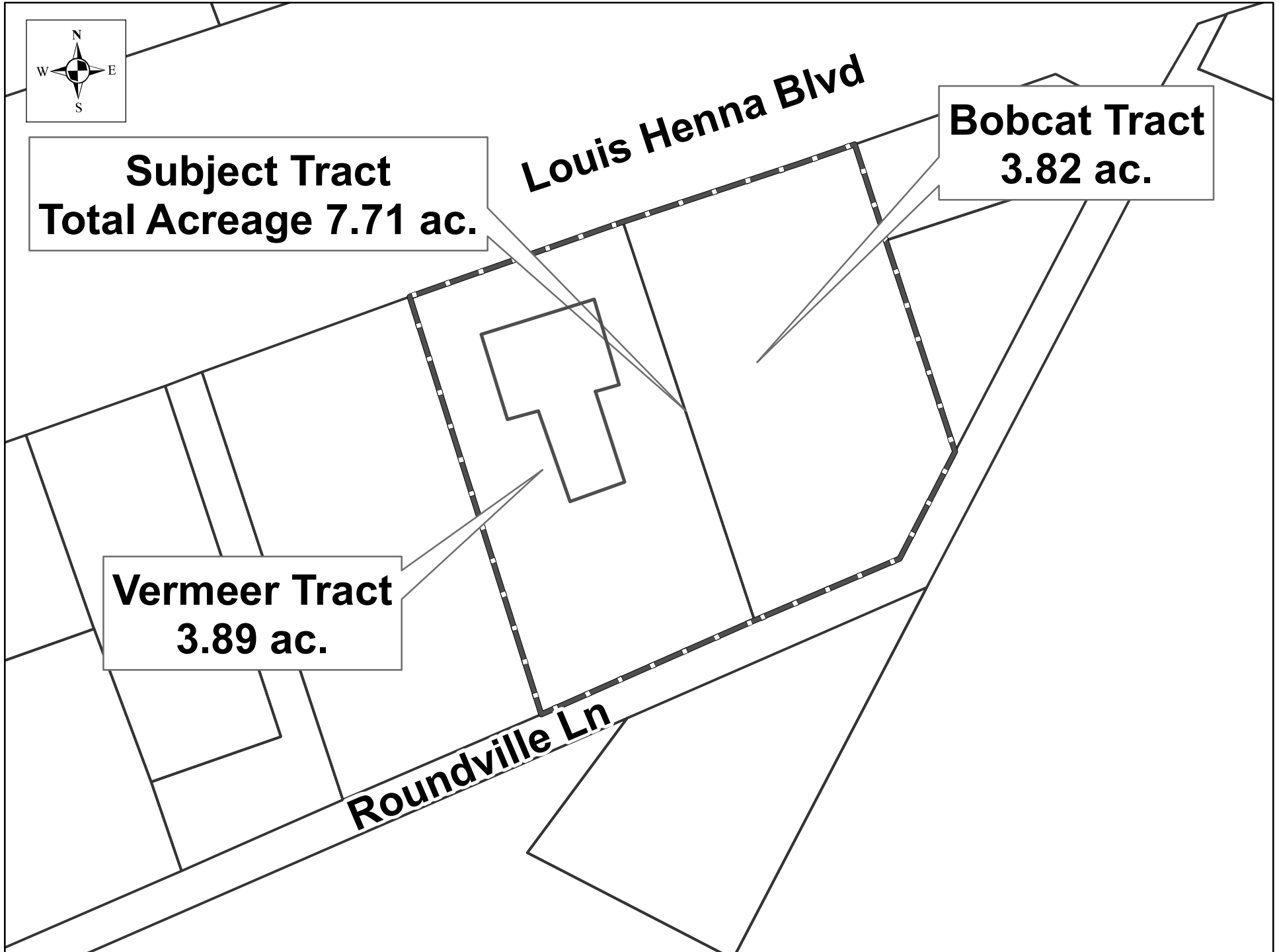
**Subject Tract  
Total Acreage 7.71 ac.**

**Louis Henna Blvd**

**Bobcat Tract  
3.82 ac.**

**Vermeer Tract  
3.89 ac.**

**Roundville Ln**





## Vermeer Tract

## EXHIBIT 'B'

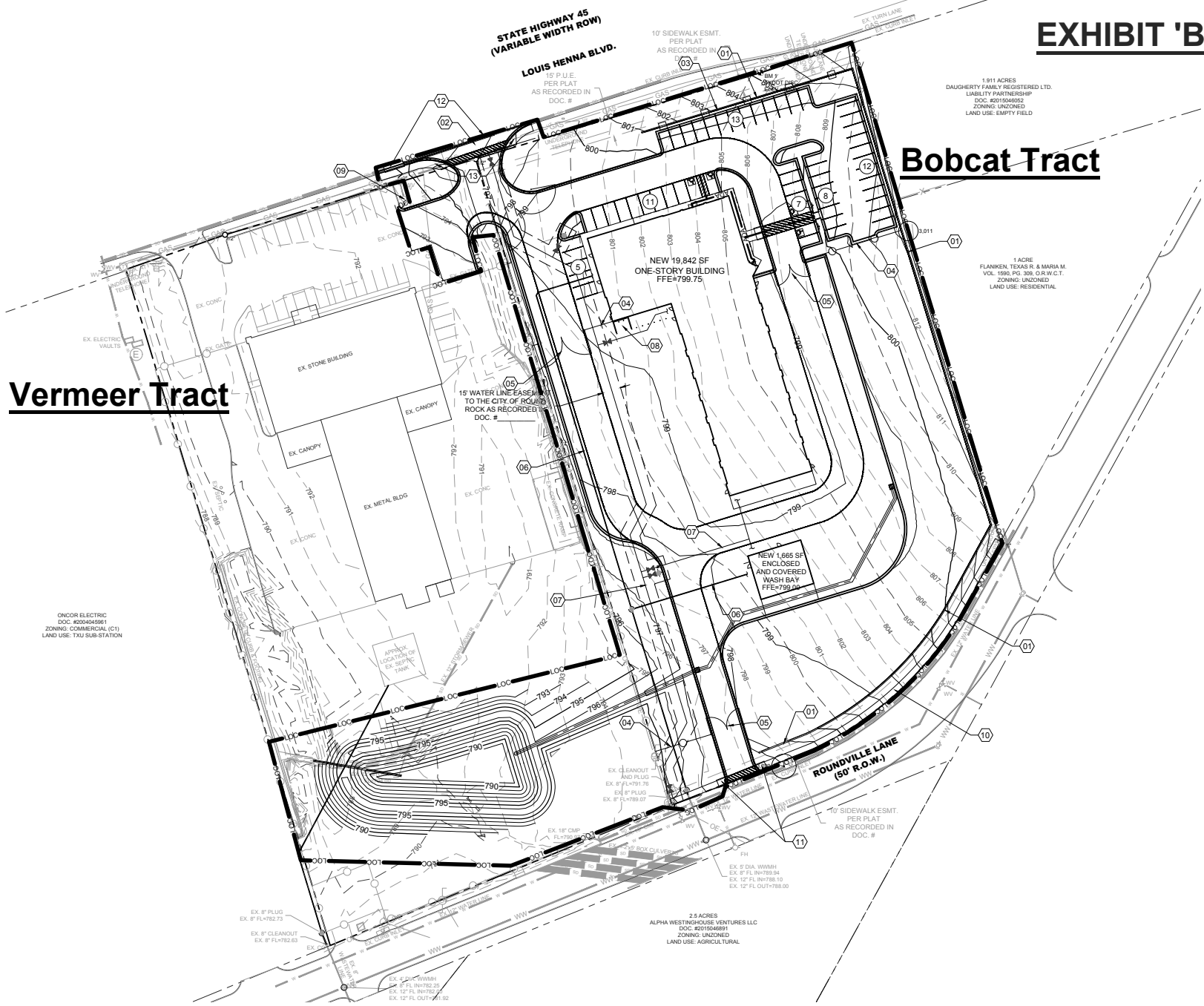
## Bobcat Tract

TAG LEGEND	
NUMBER	DESCRIPTION
01	RETAINING WALL BY OTHERS.
02	EXISTING DRIVEWAY CONNECTION TO BE ADJUSTED TO BE CENTERED ON PROPERTY LINE. SEE DRIVEWAY DETAIL ON SHEET C28.
03	NEW GUARDRAIL ALONG TOP OF WALL. REFER TO STRUCTURAL FOR MORE INFORMATION.
04	NEW CHAIN LINK FENCE. REFER TO ARCHITECT FOR STYLE AND DETAILS.
05	NEW CHAIN LINK FENCE GATE. REFER TO ARCHITECT FOR STYLE AND DETAILS.
06	NEW WASTEWATER LINE. SEE SHEET C10 FOR MORE INFORMATION.
07	NEW WATER LINE. SEE SHEET C10 FOR MORE INFORMATION.
08	NEW DUMPSTER ENCLOSURE. REFER TO ARCHITECT FOR DETAILS.
09	EXISTING FIRE HYDRANT
10	NEW 5' WIDE CONCRETE SIDEWALK PER DETAIL ON SHEET C25.
11	TYPE 7 CURB RAMP PER DETAIL ON SHEET C27
12	EXISTING TXDOT CURB INLET TO BE RELOCATED.
13	TYPE 5 ADA RAMP PER DETAIL ON SHEET C27

### LEGEND

#	TAG (SEE TAG LEGEND)
#	PARKING BAY COUNT (TOTAL COUNT=56)
LOC	LIMITS OF CONSTRUCTION (4.93 ACRES)
ADA	ACCESSIBLE ROUTE

NOTES:  
1. A TXDOT DRIVEWAY APPLICATION SUBMITTAL TO THE CITY OF ROUND ROCK DSO IS REQUIRED.



ONCOR ELECTRIC  
DOC. #2004045961  
ZONING: COMMERCIAL (C1)  
LAND USE: TXU SUB-STATION

2.5 ACRES  
ALPHA WESTINGHOUSE VENTURES LLC  
DOC. #2012046891  
ZONING: UNZONED  
LAND USE: AGRICULTURAL

1.911 ACRES  
DAUGHERTY FAMILY REGISTERED LTD.  
LIABILITY PARTNERSHIP  
DOC. #2012046892  
ZONING: UNZONED  
LAND USE: EMPTY FIELD

1 ACRE  
FLANKEN, TEXAS R. & MARIA M.  
VOL. 1590, PG. 302, O.R.W. C.T.  
ZONING: UNZONED  
LAND USE: RESIDENTIAL